

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

THOMAS TACKETT

PLAINTIFF

v.

ABDULLAHI ALI, *et al.*,

DEFENDANTS

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CASE NO.:

Judge:

NOTICE OF REMOVAL

Electronically Filed

Defendants, Abdullahi Ali and Habil Transportation, LLC, by their attorneys, hereby file this notice of removal of Case No.: 21CV007989 from the Court of Common Pleas of Franklin County, Ohio, to the United States District Court for the Southern District of Ohio, Eastern Division. In support, Defendants, state as follows:

1. Plaintiff initiated this action by filing a complaint against Defendants, Abdullahi Ali and Habil Transportation, LLC, and Defendant, State Farm Mutual Automobile Insurance Company (“State Farm”), on December 28, 2021, in the Court of Common Pleas of Franklin County, Ohio, Case No.: 21CV007989, styled *Thomas Tackett v. Abdullahi Ali, et al.*, (hereinafter “state court action”).
2. Defendant, State Farm, through its counsel consents to the removal of this case to federal court.
3. On April 11, 2022, less than thirty days ago, Plaintiff served objections and responses to requests for admissions, wherein the removing Defendants requested Plaintiff admit that his damages, exclusive of costs, did not exceed \$75,000. Plaintiff objected, stating the request was premature. In other words, the amount in controversy is in excess of \$75,000. A copy of the

responses and objections is attached hereto as Exhibit A.

4. Copies of each pleading filed in the state court action are attached hereto, collectively, as Exhibit B.

5. The state court action is a controversy between citizens of different states, and the amount in controversy exceeds \$75,000.00, exclusive of interest and costs. This is evidenced by Plaintiff's responses to the requests for admissions (Exhibit A). Further:

a. The complaint alleges Plaintiff is a resident of Chilicothe, Ohio, and, therefore, for diversity purposes, Plaintiff is a citizen of the State of Ohio.

b. Habil Transportation, LLC, is a limited liability company organized and existing under the laws of the State of Minnesota, with its principal place of business in that state. The sole member of the LLC, Bille Hashi, is a resident of the State of Minnesota and, therefore, for diversity purposes, Habil Transportation, LLC, is a citizen of the State of Minnesota and not a citizen of the State of Ohio.

c. Abdullahi Ali is a resident of Minneapolis, Minnesota, and, therefore, for diversity purposes, he is a citizen of the State of Minnesota, and not the State of Ohio.

d. Upon information and belief, State Farm is an Illinois company with its principal place of business in Illinois; therefore, State Farm is a citizen of the State of Illinois for diversity purposes and is not a citizen of the State of Ohio.

e. This is a civil action brought in state court, over which the United States District Court has original jurisdiction because of both diversity of citizenship and an amount in controversy in excess of \$75,000.00, exclusive of interest and costs, under 28 USC section 1332. In this action, Plaintiff seeks damages for bodily injury.

6. The state court action is one that may be removed to this Court, and this notice of removal is filed pursuant to 28 USC sections 1441 and 1446, within thirty days of the removing Defendants becoming aware the case is removable to federal court.

7. A copy of this notice of removal will be served on Plaintiff's attorney and a notice of filing of this notice of removal will be filed with the Court of Common Pleas of Franklin County, Ohio. A copy of the notice to the Court of Common Pleas of Franklin County, Ohio, is attached as Exhibit C.

WHEREFORE, Defendants, Abdullahi Ali and Habil Transportation, LLC, pray that this notice of removal be filed, that Case No.: 21CV007989 from the Court of Common Pleas of Franklin County, Ohio, be removed to and proceed in this Court, and that no further proceedings be had in the Court of Common Pleas of Franklin County, Ohio.

Respectfully submitted,

Garvey Shearer Nordstrom, PSC

/s/ David W. Zahniser

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Abdullahi Ali and Habil Transportation, LLC

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of April, 2022, the foregoing pleading was electronically filed through the Court's e-filing system, which system will send electronic notification to all counsel of record. The foregoing was also emailed to the following:

Michael Wm Warren: mwarren@buckeyelegal.com

M. Jason Founds: jfounds@ggtbl.com

/s/ David W. Zahniser

David W. Zahniser (OH 0077560)